

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

LAURENCE R. GOODEN,

)

8:07CV319

)

Plaintiff,

)

)

v.

)

**MEMORANDUM
AND ORDER**

)

JEFFREY L. NEWTON,

)

)

Defendant.

)

This matter is before the court on Plaintiff's Motion for Voluntary Dismissal of Claim. (Filing No. [35](#).) The court construes the Motion as filed pursuant to [Federal Rule of Civil Procedure 41](#). Defendant has not objected to the Motion, and the time in which to do so has passed. Plaintiff's Motion is therefore granted and this matter is dismissed without prejudice.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion for Voluntary Dismissal (filing no. [35](#)) is granted. Plaintiff's Complaint and this action are dismissed without prejudice.

2. A separate judgment will be entered in accordance with this Memorandum and Order.

March 23, 2009.

BY THE COURT:

s/ Joseph F. Bataillon
Chief United States District Judge